IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVN.APPLICATION NO.351 OF 1987

Tukaram Bali Pawar ... Applicant

versus

State of Maharashtra ... Respondent

...

Mr.Pramod N. Joshi, for the Applicant.

Mr.A.S. Gadkari, A.P.P., for the Respondent.

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CORAM : A.M.KHANWILKAR,J.

22nd March 2005

P.C.:

. Heard Mr. Joshi, for the Applicant, and the learned A.P.P., for the State. It is not in dispute that against the common judgment passed by the lower Court, two proceedings were carried before this Court. The State had carried appeals against acquittal of the co-accused, whereas the Applicant in this revision, who was convicted by the lower Court, carried the present revision

before this Court. During the pendency of this revision application, the appeals preferred by the State against the acquittal of the co-accused have been dismissed by decision of the Division Bench dated 10th July 2003. Even the present revision application was heard along with the said appeals till 12th April 2002. On 12th April 2002, a formal application was moved before this Court asserting that the Applicant in the revision application has died during the pendency of the revision application and since the heirs and legal representatives of the revision Applicant, accused, who has been convicted of the alleged offence, desire to pursue the matter further, so as to obtain finding of no guilt in favour of the revision Applicant, applied for being brought on record and legal representatives of the original revision Applicant. That application was, however, dismissed by the Division Bench on 12th April 2002 for the reasons recorded therein. The reason, as is recorded, cannot be gong into. That order has been allowed to become final. By reason of dismissal of the said application, being Criminal Miscellaneous Application No. 3685 of 1997, the revision ought

to be disposed of for non-prosecution. It is not open for this Court to ignore the decision of the Division Bench dated 12th April 2002 passed at the instance of the legal heirs and representatives of the Applicant. Accordingly, this revision application will have to be disposed of for non-prosecution. Ordered accordingly.

(A.M.KHANWILKAR,J.)